

REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1 and 2 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figures 3 and 6 of the drawings as originally filed, a cross-section line has been ~~added to Figure 3~~ for reference to Figure 7. A sequence line has been added to Figure 6 to show the intended sequence of events for using the combination pillow and tote bag. All additions or corrections have been made in red ink. Further, Figures 4, 5 and 8 are embodiments of the present invention as described in the specification of the application under the description of the preferred embodiment

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraphs 3 and 4 of the Office Action

Claims 3-6 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action. In regards to "said strap" in line 3 of claim 5 the applicant wishes direct attention to claim 1, lines 11 and 12 claiming "said carrying means comprising a strap having a pair of ends...". Therefore, it is submitted that antecedent

basis for "said strap" in claim 5 does exist. Reference numbers have been added to Claims 3 through 6 in the section "VERSION WITH MARKINGS TO SHOW CHANGES MADE" only as requested in the Office Action.

Withdrawal of the §112 rejection of claims 3-6 is therefore respectfully requested.

Paragraphs 5 and 6 of the Office Action

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dees or Kraft.

Claim 1, particularly as amended, requires "said first end of said strap being securely attached to a first of said side panels and positioned generally adjacent to said top edges of said front and back panels, said second end of said strap being securely attached to a second of said side panels and positioned generally adjacent to a bottom edge of said front and back panels, a ring member being pivotally coupled to said second side panel and positioned generally adjacent to said top edges of said front and back panel, wherein said strap is extended through said ring member". These limitations have been taken from claim 5.

Examiner has indicated in paragraph 11 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 5 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 5 and any intervening claims, is believed to be allowable.

Claim 2 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 2 is also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1 and 2 is therefore respectfully requested.

Paragraphs 7-9 of the Office Action

Claims 3, 4, 6 and 7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kraft, teaching applicant's basic device, including a variety of pockets located in various positions in the various embodiments, and an elongated panel, but not a flexible member in view of Ackley (note flexible member).

Claim 1, particularly as amended, requires "said first end of said strap being securely attached to a first of said side panels and positioned generally adjacent to said top edges of said front and back panels, said second end of said strap being securely attached to a second of said side panels and positioned generally adjacent to a bottom edge of said front and back panels, a ring member being pivotally coupled to said second side panel and positioned generally adjacent to said top edges of said front and back panel, wherein said strap is extended through said ring member". These limitations have been taken from claim 5.

Examiner has indicated in paragraph 11 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 5 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 5 and any intervening claims, is believed to be allowable.

Claims 3, 4 and 6 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 3, 4 and 6 are also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claims 3, 4, 6 and 7 is therefore respectfully requested.

Paragraph 10 of the Office Action:

Claim 8 is allowed.

Paragraph 11 of the Office Action:

Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this office action.

Claim 1 has been amended to incorporate the limitations of claim 5 and therefore is believed to be in condition for allowance.

VERSION WITH MARKINGS TO SHOW CHANGES MADE:

In the Specification (bracketed parts deleted and underline parts added):

Paragraph on page 10, beginning on line 1:

"An elongate panel 44 has a first edge 46 and a second edge 48. The elongate panel 44 also has a top side 50 and a bottom side 52. The first edge 46 is integrally coupled to the top edge [50] 17 of the front panel 16. The elongate panel 44 has a length greater than three feet. The elongate panel 44 preferably comprises a cloth material. The cloth material is ideally a cotton terry cloth material."

In the Claims (bracketed parts deleted and underline parts added):

1. (Amended) A pillow and tote combination device, said device comprising:

a tote portion, said tote portion comprising a back panel, and a front panel, said front and back panels each having a top edge, a bottom edge and a pair of side edges, said bottom edge of said front panel being securely attached to said bottom edge of said back panel, each of a pair of side panels being securely attached to one of side edges of each of said front and back panels such that a bag is defined;

a carrying means for carrying said tote portion, said carrying means comprising a strap having a pair of ends each securely attached to said tote portion;

a pillow portion, wherein said pillow portion may be removably inserted in said tote portion; and

said first end of said strap being securely attached to a first of said side panels and positioned generally adjacent to said top edges of said front and back panels, said second end of said strap being securely attached to a second of said side panels and positioned generally adjacent to a bottom edge of said front and back panels, a ring member being pivotally coupled to said second side panel and positioned generally adjacent to said top edges of said front and back panel, wherein said strap is extended through said ring member.

2. (Pending) The pillow and tote combination device as in claim 1, further comprising:

a cover member for covering an opening between said top edges of said front and back panels in said tote portion, said cover member being securely coupled to said top edge of said back panel, said cover member comprising a substantially rectangular panel.

3. (Amended) The pillow and tote combination device as in claim 2, wherein said cover member further comprises:

a flap (24) being fixedly coupled to an inside surface of said cover member (22), said flap (24) having an opening therein, said opening of said flap (24) being generally adjacent to a free edge of said cover member opposite said top edge (17) of said back panel (14), said cover member (22) and said flap (24) defining a pocket (28) adapted for removably receiving said pillow portion (40).

4. (Pending) The pillow and tote combination device as in claim 2, further comprising:

a pocket (28), said pocket (28) being securely connected to an outside surface of said cover member (22).

Cancel claim 5.

6. (Amended) The pillow and tote combination device as in claim 2, further comprising:

an elongate panel (44), said elongate panel (44) having a first edge (46) and a second edge (48), said elongate panel (44) having a top side (50) and a bottom side (52), said first edge (46) being integrally coupled to said top edge (17) of said front panel (16)[, said elongate panel]; and an elongate flexible member (60), said elongate flexible member (60) being coupled to and extending between lateral side edges (47) of said elongate panel (44).

7. (Pending) The pillow and tote combination device as in claim 6, wherein said elongate panel has a length greater than three feet.

8. (Pending) A pillow and tote combination device, said device comprising:

a tote portion, said tote portion comprising a back panel, and a front panel, said front and back panels each having a top edge, a bottom edge and a pair of side edges, said bottom edge of said front panel being securely attached to said bottom edge of said back panel, each of a pair of side panels being securely attached to one of side edges of each of said front and back panels such that a bag is

defined having an opening adjacent to said top edges of said front and back panels, said front, back and side panels comprising a cloth material;

a cover member for covering said opening in said tote portion, said cover member being securely coupled to said top edge of said back panel, said cover member comprising a substantially rectangular panel;

a pocket, said pocket being securely connected to an outside surface of said cover member;

a carrying means for carrying said tote portion, said carrying means comprising a strap, said strap being a flexible elongate member having a first end a second end, said first end being securely attached to a first of said side panels and positioned generally adjacent to said top edges of said front and back panels, said second end of said strap being securely attached to a second of said side panels and positioned generally adjacent to a bottom edge of said front and back panels, a ring member being pivotally coupled to said second side panel and positioned generally adjacent to said top edges of said front and back panel, wherein said strap is extended through said ring member;

an elongate panel, said elongate panel having a first edge and a second edge, said elongate panel having a top side and a bottom side, said first edge being integrally coupled to said top edge of said front panel, said elongate panel having a length greater than three feet;

a pillow portion; said pillow portion comprising a pillow having a cushioning material therein, said pillow being removably positioned in said tote portion; and